

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA**

Alexandria Division

JOHN GRACZA	:	
Plaintiff,	:	
v.	:	Civil Action No.: 1:17-cv-00571-LMB-MSN
COURTYARD CREATIONS,	:	
INC. and	:	
POLYWARES SALES	:	
& MARKETING, INC.,	:	
and	:	
TARGET STORES, INC.	:	
Defendants.	:	

**REQUEST FOR INTERNATIONAL
JUDICIAL ASSISTANCE (LETTER ROGATORY)**

The United States District Court for the Eastern District of Virginia presents its compliments to the Appropriate Judicial Authority of Mauritius, and requests international assistance to effect service of process to be used in a Civil proceeding before this court in the above captioned matter.

I. REQUEST

This court requests the assistance described herein as necessary in the interests of justice. The assistance requested is that the Appropriate Judicial Authority of Mauritius effect Service of Process of the Summons in a Civil Action and First Amended Complaint on the below named

Corporation/Business Entity:

**COURTYARD CREATIONS, INC.
By serving: Equity Trust (Mauritius)
Limited, and/or any Officer, Manager,
General Agent or Agent Authorized to
receive service of process.
3rd Floor, Raffles Tower
19 Cybercity, Ebene, Mauritius**

The Appropriate Judicial Authority of Mauritius is requested to serve the above-mentioned documents by personal service into the hands of a director, officer, manager/managing agent, general agent or other agent and/or person authorized to accept service, or in a manner of service consistent with the law of Mauritius.

II. FACTS OF THE CASE

A. Prior to April 19, 2014 the defendant Courtyard Creations, Inc. designed, assembled, inspected, tested, manufactured, distributed, marketed, sold and/or supplied defective folding chairs; and then placed same in the stream of commerce to the public, including the chairs purchased by the plaintiff and at issue in this case.

B. On April 19, 2014, the plaintiff attempted to sit in or upon the defective folding chair. While doing so, plaintiff placed his hands on the hard-plastic arms of the folding chair. Unbeknownst to him, when he did so, the defective folding chair created a space between the hard-plastic arm of the chair and the sharp hollow metal leg that folds into the arm of the chair. When plaintiff sat in or upon the defective chair, his finger was trapped between the leg of the chair and the arm of the chair, thereby creating significant pressure and/or a forceful collapsing event upon the plaintiff, amputating a portion of the plaintiff's finger; and thereby caused serious and permanent personal injuries to the plaintiff. At all relevant times, the plaintiff used the defective

chair in an appropriate and careful manner.

C. Pursuant to the Uniform Commercial Code, and Virginia Code Annotated; §§ 8.2-314 (1), 8.2-314 (2)(c), the defendants implied a warranty of merchantability concerning the folding chair, good or product. Specifically, that the chair would be fit for the purpose for which it is ordinarily used, namely to be used as furniture and to be sat in or upon. It was the duty of defendant Courtyard Creations, Inc. to design, assemble, inspect, test, manufacture, distribute, market, sell and/or supply a folding chair that the plaintiff could sit in or upon without causing him injury or harm.

D. Based upon representations of counsel for the defendant, Target Stores, Inc., defendant Courtyard Creations, Inc. is a necessary and indispensable party to this case, pursuant to Rule 19 of the United States Federal Court Rules.

III. RECIPROCITY

When and if ever necessary, The United States District Court for the Eastern District of Virginia expresses its willingness to provide similar assistance to the judicial authorities of Mauritius.

IV. REIMBURSEMENT FOR COSTS

The United States District Court for the Eastern District of Virginia expresses its willingness to compel plaintiff's counsel to reimburse the judicial authorities of Mauritius for costs incurred, up to US\$500.00, in executing this Court's letter rogatory. Please contact plaintiff's counsel, John R. Turbitt, Esquire at Turbitt, O'Herron & Leach, PLLC, before costs exceed US\$500.00, at 8996 Burke Lake Road, Suite 304, Burke, Virginia, 22015, U.S.A.; Telephone: 1-703-323-7000; Facsimile: 1-703-323-7224; or email at turbittoherron@turbittoherron.com.

In acknowledgment of the additional time which is needed to prepare and file an Answer to the attached documents, the time period for answering is extended to 45 days after service.

DATE November 17, 2017

/s/ LMB
Leonie M. Brinkema
United States District Judge

(SEAL OF COURT)

